

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CHRISTOPHER C. LUKE

PLAINTIFF

VS.

CIVIL ACTION NO. 3:14cv240 DPJ-FKB

NESHOBA COUNTY, MISSISSIPPI, ET AL.

DEFENDANTS

DEPOSITION OF JOSHUA BURT

Taken at the instance of the Plaintiff at

Wade White, PLLC

501 West Main Street

Philadelphia, Mississippi

Wednesday, April 1st, 2015

Commencing at 1:42 p.m.

Reported by:

Katherine Lusk, CCR 1731

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 COUNSEL FOR THE PLAINTIFF:</p> <p>4 ROBERT O. WALLER, ESQUIRE</p> <p>5 WALLER & WALLER</p> <p>6 220 South President Street</p> <p>7 Jackson, Mississippi 39201</p> <p>8 Post Office Box 4</p> <p>9 Jackson, Mississippi 39205-0004</p> <p>10 Phone: (601) 354-5252</p> <p>11 Fax: (601) 354-2681</p> <p>12 bobwaller@wallerandwaller.com</p> <p>13</p> <p>14 COUNSEL FOR THE DEFENDANTS:</p> <p>15 STEVEN J. GRIFFIN, ESQUIRE</p> <p>16 DANIEL COKER HORTON & BELL</p> <p>17 4400 Old Canton Road, Suite 400</p> <p>18 Jackson, Mississippi 39211-5982</p> <p>19 4400 Old Canton Road, Suite 400</p> <p>20 Jackson, Mississippi 39211-5982</p> <p>21 Phone: (601) 969-7607</p> <p>22 Fax: (601) 969-1116</p> <p>23 sgriffin@danielcoker.com</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 JOSHUA BURT,</p> <p>2 having first been duly sworn, was examined and testified</p> <p>3 as follows:</p> <p>4 MR. WALLER: This deposition of Joshua Burt is</p> <p>5 being taken pursuant to notice and the Rules of Civil</p> <p>6 Procedure. Objections except as to form shall be</p> <p>7 reserved until the trial of the matter.</p> <p>8 EXAMINATION</p> <p>9 BY MR. WALLER:</p> <p>10 Q. Please state your name as it -- on your birth</p> <p>11 certificate.</p> <p>12 A. Joshua Burt.</p> <p>13 Q. What is your home address?</p> <p>14 A. 11101 County Road 763 in Philadelphia,</p> <p>15 Mississippi.</p> <p>16 Q. How long have you lived there?</p> <p>17 A. Approximately 16 years.</p> <p>18 Q. 16?</p> <p>19 A. Yes.</p> <p>20 Q. Where were you born?</p> <p>21 A. Here in Neshoba County.</p> <p>22 Q. Okay. Date of birth?</p> <p>23 A. 4/27/1979.</p> <p>24 Q. High school?</p> <p>25 A. 12th grade, graduated.</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2</p> <p>3 Style.....1</p> <p>4 Appearances.....2</p> <p>5 Index.....3</p> <p>6 Examination by Mr. Waller.....4</p> <p>7 Certificate of the Court Reporter.....11</p> <p>8 Certificate of the Deponent.....12</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 Q. Okay. Any other education?</p> <p>2 A. No, sir.</p> <p>3 Q. Work history?</p> <p>4 A. I have been employed as a 911 dispatcher. I</p> <p>5 started in about '98. From there, I went to the</p> <p>6 Philadelphia Police Department where I was employed for</p> <p>7 six years. I worked with the state with the MDOT office</p> <p>8 for a year, and I've been employed with the Neshoba</p> <p>9 County Sheriff's Department for approximately seven</p> <p>10 years.</p> <p>11 Q. What do you do now?</p> <p>12 A. I'm a deputy, a deputy sheriff.</p> <p>13 Q. Okay.</p> <p>14 A. I answer calls, road deputy.</p> <p>15 Q. Patrol officer?</p> <p>16 A. Yes.</p> <p>17 Q. Do you have any duties at the jail?</p> <p>18 A. No, sir.</p> <p>19 Q. Have you ever worked in the jail?</p> <p>20 A. No, sir.</p> <p>21 Q. Are you married?</p> <p>22 A. Yes.</p> <p>23 Q. Wife's name?</p> <p>24 A. Christina Burt, B-U-R-T.</p> <p>25 Q. Children?</p>

2 (Pages 2 to 5)

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<p>1 A. Three.</p> <p>2 Q. Names and ages.</p> <p>3 A. Joshua Michael Burt, he is 15. Ryan James Burt</p> <p>4 is 11, and Zach -- Zachary Burt is four.</p> <p>5 Q. Have you given a deposition before?</p> <p>6 A. No, sir.</p> <p>7 Q. Okay. What do you know about Christopher Luke</p> <p>8 and his altercation he had with the jailers on May the</p> <p>9 28th, 2013?</p> <p>10 A. We received a call to come assist at the jail.</p> <p>11 Upon me getting there, there was four of the jail staff,</p> <p>12 Jimmy Reed, I think Mr. Harvey Hickman, Mr. Billy Guess,</p> <p>13 and Nick -- Nick Walker, they had Mr. Luke down in the</p> <p>14 floor. He was -- he was struggling with them, and they</p> <p>15 escorted him to the booking area.</p> <p>16 Q. When you arrived, what -- what -- did they have</p> <p>17 him restrained at that point?</p> <p>18 A. They had him on the floor. I'm not sure if they</p> <p>19 had handcuffs on him at that point or not.</p> <p>20 Q. Were you required to assist in any way?</p> <p>21 A. I was not at that time, no.</p> <p>22 Q. Okay. So you just observed what was going on?</p> <p>23 A. Correct. Correct.</p> <p>24 Q. Did you have any involvement with Chris later</p> <p>25 after he was moved to the detox room?</p>	<p>1 A. No, sir, I did not.</p> <p>2 Q. Have you seen the video?</p> <p>3 A. Yes.</p> <p>4 Q. Do you get called often to the jail for backup?</p> <p>5 A. Not all that often, no, sir.</p> <p>6 Q. How many times since this event have you been</p> <p>7 called in?</p> <p>8 A. Maybe once or twice.</p> <p>9 Q. Okay. Did you know Chris Luke?</p> <p>10 A. I've had prior dealings with him, yes, sir.</p> <p>11 Q. Did he seem to be acting out abnormally that day?</p> <p>12 A. Chris could go from, you know, nice and polite</p> <p>13 to -- just depending on his mood. He's got a past</p> <p>14 history of drug use.</p> <p>15 Q. Have you had any altercations with him?</p> <p>16 A. Not that I recall, I don't.</p> <p>17 Q. How long did it take you to get to the jail from</p> <p>18 the time you received the call for backup?</p> <p>19 A. I do not remember that at all. I don't remember</p> <p>20 where I was at when the call come out.</p> <p>21 Q. Do you have -- have you talked to Angel Crockett</p> <p>22 about this matter?</p> <p>23 A. No, sir, I have not.</p> <p>24 Q. Okay. Have you talked to anybody else about it?</p> <p>25 A. We had a meeting up there at this office last</p>
Page 7	Page 9
<p>1 A. I went in the cell of -- they -- on an attempt to</p> <p>2 get Mr. Luke restrained, they had placed both -- or a</p> <p>3 set of handcuffs on one arm, and we was trying to figure</p> <p>4 out how to get those cuffs off, but I did not physically</p> <p>5 put hands or anything like that. I was just observing.</p> <p>6 Q. Did you -- were you there when they removed it</p> <p>7 from his arm, the cuffs?</p> <p>8 A. No.</p> <p>9 Q. You left about at that point?</p> <p>10 A. Yeah.</p> <p>11 Q. Okay. And were they -- were they -- did you</p> <p>12 observe Chris and the officers in an altercation?</p> <p>13 A. I did. Now, like I said, when I first got there</p> <p>14 in the back, they already had him on the ground.</p> <p>15 Q. Right.</p> <p>16 A. And then, like I said, whenever they started</p> <p>17 towards the booking area, he struggled a little bit.</p> <p>18 They winded up toting him to booking, but after that, I</p> <p>19 did not see any type of altercation. I believe I did</p> <p>20 give Jimmy Reed a set of my handcuffs back there in the</p> <p>21 back --</p> <p>22 Q. Yeah.</p> <p>23 A. -- to restrain him with.</p> <p>24 Q. Did you give a statement to anybody about what</p> <p>25 you saw?</p>	<p>1 week.</p> <p>2 Q. Okay. Who all was present at the meeting?</p> <p>3 A. Wade, this gentleman, and Mr. Hickman come in,</p> <p>4 Mr. Walker come in, Ken Spears was here, and I think</p> <p>5 Jimmy Reed come in towards the end right before I left.</p> <p>6 Q. How long did the meeting last?</p> <p>7 A. 30 minutes, maybe, I believe.</p> <p>8 Q. Were you able to add anything to the</p> <p>9 conversation?</p> <p>10 MR. GRIFFIN: I'm going to object and instruct</p> <p>11 him not to answer because any conversations would be</p> <p>12 privileged.</p> <p>13 BY MR. WALLER:</p> <p>14 Q. Are you aware of Chris Luke's injuries?</p> <p>15 A. No, sir, I'm not.</p> <p>16 Q. Are you trained to use a taser?</p> <p>17 A. Yes, sir, I am.</p> <p>18 Q. Do you carry one with you all the time?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Is that why they called you in, to use the taser?</p> <p>21 A. No, sir. I mean, we don't -- we don't get called</p> <p>22 in just specifically to use tasers.</p> <p>23 Q. Okay. Nobody in the jail has one, though?</p> <p>24 A. Not to my knowledge, they don't.</p> <p>25 Q. Did you see Chris the next day, the Wednesday</p>

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1 following the Tuesday event?
 2 **A. No, sir, I didn't.**
 3 Q. Did you see him Thursday before he was released?
 4 **A. No, sir. As a general rule of thumb, if I was**
 5 **working Tuesday, I would have been off Wednesday and**
 6 **Thursday the way our schedules fall.**
 7 Q. Okay. So what was the total time you were at the
 8 jail that day on -- on Tuesday?
 9 **A. Sir, I --**
 10 Q. Thirty minutes?
 11 **A. -- I have no idea.**
 12 Q. You left before they got the handcuffs off of
 13 him, we determined that?
 14 **A. Yes.**
 15 Q. And when you left, was Chris cooperative at that
 16 point?
 17 **A. I think he was still somewhat irate, but, I mean,**
 18 **like I said, when we come out of there, and they shut**
 19 **the door, and I left, and I had no more dealings with**
 20 **him after that.**
 21 MR. WALLER: I tender the witness.
 22 MR. GRIFFIN: I don't have any questions.
 23 (DEPOSITION CONCLUDED AT 1:54 P.M.)
 24 *****
 25

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1 CERTIFICATE OF THE DEPONENT
 2 DEPONENT: Joshua Burt
 3 DATE: April 1st, 2015
 4 CASE STYLE: Christopher C. Luke vs. Neshoba County,
 5 Mississippi, et al.
 6 I, the above-named deponent in the deposition
 7 taken in the herein styled and numbered cause, certify
 8 that I have examined the deposition taken on the date
 9 above as to the correctness thereof, and that after
 10 reading said pages, I find them to contain a full and
 11 true transcript of the testimony as given by me.
 12 Subject to those corrections listed below, if
 13 any, I find the transcript to be the correct testimony I
 14 gave at the aforesaid time and place.
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This the ____ day of _____, 2015.

Joshua Burt
 State of Mississippi
 County of _____

Subscribed and sworn to before me, this the ____
 day of _____, 2015.

My Commission Expires: _____

Notary Public

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1
 2 CERTIFICATE OF THE COURT REPORTER
 3 I, Katherine Lusk, Court Reporter and Notary Public,
 4 and for the State of Mississippi, hereby certify that
 5 the foregoing contains a true and correct transcript in
 6 the aforementioned matter at the time and place
 7 heretofore stated, as taken by stenotype and later
 8 reduced to typewritten form under my supervision by
 9 means of computer-aided transcription.
 10 I further certify that I placed the witness under
 11 oath to truthfully answer all questions in this matter
 12 under the authority vested in me by the State of
 13 Mississippi.
 14 I further certify that I am not in the employ of or
 15 related to any counsel or party in this matter and have
 16 no interest, monetary or otherwise, in the final outcome
 17 of this matter.
 18 Witness my signature and seal this the ____ day of
 19 _____, 2015.
 20
 21 /s/Katherine Lusk_____
 Katherine Lusk, CCR # 1731
 22
 23 My Commission Expires:
 24 November 6, 2015
 25

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